

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DONALD PALMER, JR.,

:

Plaintiff,

:

v.

3:20-CV-1084  
(JUDGE MARIANI)

BLACK & DECKER (U.S.) INC,  
d/b/a DEWALT INDUSTRIAL  
TOOL COMPANY, et al.,

:

Defendants.

:

**SPECIAL VERDICT QUESTIONS**

Question 1

Did Plaintiff, Donald Palmer, prove by a preponderance of the evidence that the DeWalt Heated Jacket was defective at the time of its manufacture and sale?

Yes  No \_\_\_\_\_

*If you answered "Yes" to Question 1, please proceed to Question 2.*

*If you answered "No" to Question 1, Mr. Palmer cannot recover and your deliberations have concluded. The foreperson should sign and date the final page of this verdict form and return it to the Courtroom Deputy.*

Question 2

Was the DeWalt Heated Jacket's defect the result of:

*Because you found that the DeWalt Heated Jacket was defective, you must answer "Yes" to Question 2(a) and/or 2(b).*

a. A design defect Yes \_\_\_\_\_ No

b. A failure to warn Yes  No \_\_\_\_\_

*Please proceed to Question 3.*

Question 3

Did Plaintiff, Donald Palmer, prove by a preponderance of the evidence that the DeWalt Heated Jacket reached him without substantial change in the condition in which it was sold?

Yes X No \_\_\_\_\_

*If you answered "Yes" to Question 3, please proceed to Question 4.*

*If you answered "No" to Question 3, Mr. Palmer cannot recover and your deliberations have concluded. The foreperson should sign and date the final page of this verdict form and return it to the Courtroom Deputy.*

Question 4

Do you find that the Plaintiff's own conduct was the sole factual cause of the accident and injury?

Yes \_\_\_\_\_ No X

*If you answered "No" to Question 4, please proceed to Question 5.*

*If you answered "Yes" to Question 4, Mr. Palmer cannot recover and your deliberations have concluded. The foreperson should sign and date the final page of this verdict form and return it to the Courtroom Deputy.*

Question 5

Did Plaintiff, Donald Palmer, prove by a preponderance of the evidence that the defect in the DeWalt Heated Jacket was the factual cause of Plaintiff's injury?

Yes \_\_\_\_\_ No X

*If you answered "Yes" to Question 5, please proceed to Question 6 on the final page of this verdict form.*

*If you answered "No" to Question 5, Mr. Palmer cannot recover and your deliberations have concluded. The foreperson should sign and date the final page of this verdict form and return it to the Courtroom Deputy.*

### Question 6

State the amount of damages, if any, sustained by Donald Palmer as a result of the DeWalt Heated Jacket's defect.

*The fact that a category is listed below does not mean that you must award damages with respect to that category if you find the evidence does not support such a claim.*

(a) Future medical expenses \$ \_\_\_\_\_

(b) Past, present, and future pain and suffering,  
embarrassment and humiliation,  
loss of enjoyment of life, and disfigurement      \$ \_\_\_\_\_

**Total**      \$ \_\_\_\_\_

*Your deliberations have concluded.*

*After completing your deliberations, return your answers to these questions on the verdict form signed and dated by the jury foreperson to the Courtroom Deputy.*

**THE FOREPERSON MUST SIGN AND DATE THIS VERDICT FORM.**

Date: 4/9/2022

James T. Flanigan  
  
Foreperson